

Honorable Philip H. Brandt  
Chapter 13  
Hearing Date: May 6, 2010  
Hearing Time: 9:00 a.m.  
Hearing Place: Courtroom 8106  
Response Date: April 29, 2010

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re

PATRICIA A. SAWYER,

Debtor.

No. 08-15933-PHB

DEBTOR'S RESPONSE TO CHAPTER 13  
TRUSTEE'S OBJECTION TO  
CONFIRMATION OF PLAN and MOTION  
TO DISMISS CASE

Patricia A. Sawyer ("Debtor"), by and through counsel, Taryn M. Darling Hill and  
Resolve Legal PLLC, responds to the *Chapter 13 Trustee's Objection to Confirmation of Plan  
and Motion to Dismiss Case* as follows.

Debtor is current in her plan payments and she has been from the inception of the case,  
excepting only a Court approved moratorium. Not only has Debtor made consistent plan  
payments, but through substantial effort, she has negotiated with the lien holder of her  
mortgage to arrive at a settlement encompassing agreed upon modification terms, which will  
enable her to remain in her home and will provide the creditor with the benefit of continued

1 monthly payments and the upkeep and maintenance of the collateral that only an owner could  
2 provide.  
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5 The impetus for the Trustee's motion to dismiss appears to be based on the fact that  
6 the case is not currently confirmed, yet the Trustee concludes that "[the] adversary proceeding  
7 will likely need to be resolved before the debtor's plan can be confirmed[.]"  
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10 Although the Debtor shares the Trustee's concern that it has taken considerable time to  
11 arrive at a settlement with Countrywide, the burden of this delay was not caused by the  
12 Debtor, and she should not be penalized for it through a dismissal of her bankruptcy. Despite  
13 the parties' immediate efforts to work toward a solution, pursuit of modifications with  
14 lenders, and particularly with a lender bank who has been consumed by another lender bank,  
15 is an exercise in patience. All one need do is canvas recent news articles covering the status  
16 of modifications across the country to understand the snail's pace at which such modifications  
17 take place, if at all. Countrywide and Debtor reached final settlement of both modification  
18 and settlement terms on April 28, 2010, and Debtor filed a motion approving the settlement  
19 on shortened time on the same date. Because the Debtor is current on plan payments; the  
20 Trustee stands to get its full percentage for administrative costs; and the secured creditor is  
21 likely to benefit from the fruits of the plan, the Debtor requests that the Trustee's Motion to  
22 Dismiss be denied.  
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42 The Trustee's motion also includes an objection to confirmation of the Debtor's plan  
43 based upon the Chapter 13 Plan that was submitted on November 25, 2009. Debtor concedes  
44 that this plan is not reflective of results anticipated through the settlement of the adversary  
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1 proceeding. Once the adversary has been completed, Debtor will take action necessary to  
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3 address the Trustee's concerns regarding the current plan.  
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5  
6 DATED this 29th day of April 2010.  
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8 RESOLVE LEGAL PLLC  
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11 By /s/ Taryn M. Darling Hill  
12 Taryn M. Darling Hill, WSBA #38276  
13 Attorneys for Debtor  
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## CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on April 29, 2010, I caused a copy of the foregoing to be served via CM/ECF on the following parties:

Michael Fitzgerald [courtmail@seattlech13.com](mailto:courtmail@seattlech13.com)

Gregory R. Fox on behalf of Defendant Countrywide Home Loans Inc  
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United States Trustee [USTPRegion18.SE.ECF@usdoj.gov](mailto:USTPRegion18.SE.ECF@usdoj.gov)

DATED this 29th day of April 2010, at Seattle, Washington.

*/s/ Nancy Hunter*

Nancy Hunter, CBA